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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,503	10/07/2004	Tomonori Fujisawa	IPA-001	7330
32628 7590 09/14/2009 KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848				
EXAMINER				
HASHEM, LISA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,503

Applicant(s)

FUJISAWA ET AL.

Examiner

LISA HASHEM

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 8-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-5, 8-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5-28-09 have been fully considered but they are not persuasive.

Applicant argues that the prior art of Heredia fails to show '...the players directly communicate with each other without communicating through server E...' and '...a network receiving section...' recited in independent claim 3. Examiner disagrees.

Heredia discloses in col. 7, lines 44-55 that each of the networked players software located on the CPU (i.e. software located on player A's CPU (Fig. 3, 330) and software located on player B's CPU (Fig. 3, 335)) can perform the same functions (i.e. voice data can be transmitted among each of the client computers of the players (elements: A, B, C, D) in Figure 1 in order for the players to communicate verbally with each other) as those described for the server E (Fig. 3, server) in the patent. Thus, the multiple players (elements: A, B, C, D) shown in Figure 1 can communicate directly with each other. Thus, server E is not needed for processing voice and/or data communications among the players, however it is used to provide IP addresses of each player to start the game (col. 7, lines 47-50).

Heredia discloses '...a network receiving section...' in the network links and client computers including multimedia hardware and software are represented by elements: 110, 120, 130, 140, A, B, C, and D in Figure 1 and the network links and client computers including multimedia hardware/software (i.e. player's programs located on computer) represented by elements: 110, 120, 330, 335 in Figure 3 (col. 3, line 61 - col. 4, line 21). The network receiving section receives musical sound data for the network game (i.e. receives audio data via the

network links and provides audio processing via multimedia hardware/software in the client computer) (col. 5, line 29 - col. 6, line 16; col. 7, lines 50-55) and receives telephone message data (i.e. incoming voice and/or data received by the network links) (col. 2, lines 25-41; col. 5, lines 5-15; col. 7, lines 50-55).

Dependent claims 4, 5, and 8-11 depend on claim 3 and are rejected for the same reasons of anticipation as discussed for claim 3.

Thus, the prior art of Heredia discloses the claimed limitations in claim 3.

2. The rejections below have been restructured for clarity. Examiner did not change the ground of rejection, but has changed the argument of the rejections to reflect the new amendment of the claims.

Drawings

3. The drawings are objected to because element 57 in Figure 5 is incorrectly labeled 'Extending Section' and should be 'Synthesizing Section'. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-5 and 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 recites the following limitations '...a network receiving section...directly receiving a plurality of incoming signals of telephone message data without transmitting through the network game server...' and '...terminal units each... communicates directly among the players without transmitting through the game server by controlling Internet Protocol addresses of the players...'.

The specification cites on page 10, lines 21-23, '...a network receiving section 54 for receiving telephone message data and musical sound data via the Internet network 40...'. The Internet network 40 in Fig. 1 comprises a managing server or network game server (Fig. 1, 30). The specification cites on page 11, lines 17-19, '...In the game terminal unit 12 connected to a network, telephone message signals transmitted from other player are received by the network receiving section 54 and are delivered to the sorting section 55...' and on page 12, lines 13-22 '...In the synthesizing section 57, synthesis of telephone message data transmitted from the other player and also synthesis of musical sound data (such as game effect sounds or game messages)

transmitted from the managing server 30 according to a type of a network game or to other necessities are carried out. Namely, also a signal including music sound data transmitted from the network transmitting section 39 of the managing server 30 is received by the network receiving section 54 and is delivered, like the telephone message signal from a player, to the sorting section 55, and is outputted to a speaker of the communication tool 14 after having been subjected to synthesis in the synthesizing section 57...'. However, the limitations of claim 3 noted above are not supported by the specification of the instant application.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 3, 4, and 11 are rejected under 35 U.S.C. 102(c) as being anticipated by U.S. Pat. No. 6,241,612 by Heredia.

Regarding claim 3, Heredia discloses a combination comprising a network game server (i.e. server; Fig. 3, E) and a network game terminal unit (Fig. 3: Player “A”, Player “B”), wherein said network game server comprises a network game executing section for controlling a network game (col. 7, lines 47-50; i.e. setting up IP addresses for players in a game), and said network game terminal unit comprises a communication tool (i.e. multimedia hardware/software) enabling an Internet Protocol telephone (i.e. Internet telephony techniques and telephone calls can be placed over the Internet using a microphone (Fig. 3: 320, 325), speaker (Fig. 3: 380, 385), and multimedia computer (Fig. 3: 330, 335) of a player (Fig. 3: Player “A”, Player “B”)) (col. 2, lines 25-41; col. 5, lines 5-15) and a voice receiving section (i.e. multimedia hardware/software including networked players software on the CPU, speaker (Fig. 3: 380, 385), and multimedia computer (Fig. 3: 330, 335) of a player (Fig. 3: Player “A”, Player “B”)) (col. 5, line 29 - col. 6, line 16), said voice receiving section comprising:

(Heredia discloses in col. 7, lines 44-55 that each of the networked players software located on the CPU (i.e. software located on player A's CPU (Fig. 3, 330) and software located on player B's CPU (Fig. 3, 335)) can perform the same functions (i.e. voice data can be transmitted among each of the client computers of the players (elements: A, B, C, D) in Figure 1 in order for the players to communicate verbally with each other) as those described for the server E (Fig. 3, server) in the patent. Thus, the multiple players (elements: A, B, C, D) shown in Figure 1 can communicate directly with each other. Thus, server E is not needed for processing voice and/or data communications among the players, it is used to provide IP addresses of each player (col. 7, lines 47-50).)

a game communicating section (i.e. computer (Fig. 3: 330, 335) including speakers, microphone, keyboard, mice, monitors, audio recognition software), connected to the network game server (Fig. 3, E), for sending and receiving program signals (i.e. voice or data) for controlling a network game (col. 2, lines 44-53; col. 4, lines 46-66; col. 8, lines 1-21);

a game control section (i.e. CPU), connected to the game communicating section (Fig. 3: 330, 335), for controlling the network game based on the program signals (col. 4, line 63 – col. 5, line 4; col. 8, lines 1-21);

a participant Internet Protocol managing section (i.e. networked players software) for managing Internet Protocol addresses of participants in the game being provided, said participant Internet

Protocol managing section being controlled by the game control section (col. 7, lines 44-55);

a network receiving section (i.e. the network links and client computers including multimedia hardware and software are represented by elements: 110, 120, 130, 140, A, B, C, and D in Figure 1 and the network links and client computers including multimedia hardware/software (i.e. a player's program) represented by elements: 110, 120, 330, 335 in Figure 3) (col. 3, line 61 - col. 4, line 21), separated from the game communicating section, for receiving signals from the network game server and directly receiving a plurality of incoming signals of telephone message data (i.e. incoming voice and/or data) without transmitting through the network game server (col. 7, lines 44-55; transmitting through one player's game program or each player's game program) (col. 2, lines 27-41; col. 5, lines 11-15; col. 5, lines 29-37; col. 6, lines 11-16; col. 8, lines 31-55);

a sorting section (i.e. multimedia hardware and/or software) for determining whether the received telephone message data includes a prespecified Internet Protocol address or not (col. 7, lines 44-55), and sending a plurality of the incoming signals of the telephone message sequentially, said sorting section being controlled by the game control section (col. 5, line 4 - col. 6, line 16; col. 8, lines 31-33);

a plurality of extending sections (i.e. channels) corresponding to the incoming signals, said plurality of extending sections receiving the plurality of the incoming signals from the sorting

section and restoring the transmitted telephone message data (col. 6, line 55 – col. 7, line 6);

a synthesizing section (i.e. multimedia hardware and/or software) for synthesizing the plurality of the incoming signals of the restored telephone message data in the time-series mode, said synthesizing section being controlled by the game control section (col. 5, line 64 – col. 6, line 16);

a digital and analog converting section (i.e. multimedia hardware and/or software) for converting a digital signal in the synthesized telephone message data to an analog signal (col. 4, lines 63-66; col. 5, line 4 – col. 6, line 64); and

a microphone and speaker Interface section (Fig. 3: 320, 380, 325, 385; i.e., microphone, speaker) as a connecting section to the communication tool (col. 4, lines 46-57 and lines 63-66),

wherein a plurality of players participates by terminal units (Fig. 1: A, B, C, and D; Fig. 3: Player “A”, Player “B”) each having the communication tool (i.e. multimedia hardware/software) enabling the Internet Protocol telephone (i.e. Internet telephony techniques and telephone calls can be placed over the Internet using a microphone (Fig. 3: 320, 325), speaker (Fig. 3: 380, 385), and multimedia computer (Fig. 3: 330, 335) of a player (Fig. 3: Player “A”, Player “B”)) (col. 2, lines 25-41; col. 3, lines 61-66; col. 7, lines 44-55), and communicates directly among the players without transmitting through the game server (col. 7, lines 44-55; transmitting through one player's game program or each player's game program) by controlling

Internet Protocol addresses of the players (i.e. players connect to one another using their IP addresses) and selectively receiving a telephone message signal (i.e. voice data transmitted using Internet telephony techniques) including a specific Internet Protocol address (i.e. players connect to one another using their IP addresses) (col. 2, lines 27-41; col. 5, lines 11-15 and lines 29-52; col. 7, lines 44-55).

Regarding claim 4, the combination according to claim 3, wherein Heredia discloses the network receiving section receives musical sound data for the network game (i.e. receives audio data via the network links and provides audio processing via multimedia hardware/software in the client computer) (col. 5, line 29 - col. 6, line 16; col. 7, lines 47-55) together with the telephone message data (i.e. incoming voice and/or data received by the network links) (col. 2, lines 25-41; col. 5, lines 5-15).

Regarding claim 11, the combination according to claim 3, wherein Heredia discloses the network game server further comprises means for fetching an IP address of a terminal unit connected to the network and for notifying other terminal units of this IP address (col. 7, lines 47-50).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heredia, as applied to claim 4, and in further view of U.S. Pat. No. 6,782,281 by Nagasawa.

Regarding claim 5, the combination according to claim 4, wherein Heredia discloses the voice receiving section in the terminal unit further comprises an in-coming call transmitting section previously accumulated therein to the synthesizing section in response to an instruction from the sorting section (col. 2, lines 27-41; col. 5, lines 11-15; col. 8, lines 31-55).

Heredia does not disclose an in-coming call dial tone.

Nagasawa discloses a game terminal unit (Fig. 6) having a communication tool enabling a telephone (col. 4, line 61 – col. 5, line 31), wherein a voice receiving section of the terminal unit comprises: a game communicating section (col. 3, lines 60-65). Wherein Nagasawa discloses the voice receiving section in the terminal unit further comprises an in-coming call transmitting section for sending a in-coming call dial tone previously accumulated therein (col. 6, lines 39-47).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the combination of Heredia to include an in-coming call dial tone as taught by Nagasawa. One of ordinary skill in the art would have been lead to make such a modification

to alert a player of a network game terminal unit of an incoming call while a game is enabled on the network game terminal unit.

Regarding claim 8, the combination according to claim 5, wherein Heredia in view of Nagasawa discloses when the sorting section determines that the received telephone message data does not include the prespecified IP address, the telephone message data is aborted or an instruction for transmission of a dial tone to the in-coming call transmitting section (Heredia: col. 2, lines 34-36; col. 5, lines 5-15; col. 8, lines 36-55; Nagasawa: col. 6, lines 39-47).

Regarding claim 10, the combination according to claim 8, Heredia further comprising means for selectively communicating with the plurality of players including one to one and one to all the players (col. 2, line 66 – col. 3, line 4; col. 6, lines 43-49; col. 8, lines 13-17).

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heredia, as applied to claim 4, and in further view of Heredia.

Regarding claim 9, the combination according to claim 4, wherein Heredia discloses said synthesizing section synthesizes the telephone message data transmitted from other players (col. 5, line 29 – col. 6, line 16) and the musical sound data transmitted from a player's program and transferred to the player (col. 4, lines 1-21; col. 7, lines 47-55).

The embodiment used above does not disclose the managing server transmitting musical sound data.

Heredia does disclose the managing server transmitting musical sound data in a different embodiment (col. 4, lines 1-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Heredia to include the managing server transmitting musical sound data as taught in a different embodiment by Heredia. One of ordinary skill in the art would have been lead to make such a modification to modify the managing server to include this functionality in addition to the managing server distributing IP addresses to each player's program.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

13. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Olisa Anwah/
Primary Examiner, Art Unit 2614

/Lisa Hashem/
Examiner, Art Unit 2614
September 10, 2009